

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ALIGN TECHNOLOGY, INC.,

Plaintiff,

v.

CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., &
INSTITUT STRAUMANN AG,

Defendants.

Case No. 6:24-cv-00187-ADA-DTG

PATENT CASE

JURY TRIAL DEMANDED

CLEARCORRECT OPERATING, LLC,
CLEARCORRECT HOLDINGS, INC., &
INSTITUT STRAUMANN AG,

Counterclaim-Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Counterclaim-Defendant.

**DECLARATION OF FORREST MCCLELLEN IN SUPPORT OF
PLAINTIFF'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Forrest McClellan, declare:

1. I am an attorney admitted to practice in the State of California and am admitted *pro hac vice* in this action. I am an associate at Morrison Foerster, LLP, counsel for Plaintiff and Counterclaim-Defendant Align Technology, Inc. (“Align”), and I provide this declaration in support of Align’s Responsive Claim Construction Brief.

2. Unless otherwise indicated below, the statements in this declaration are based on my personal knowledge and my review of the documents cited herein. If called to testify as a witness, I could and would competently do so under oath.

3. Attached as **Exhibit 1** is a true and correct copy of a November 25, 2024 declaration by Eric Kuo, DMD, MS.

4. Attached as **Exhibit 2** is a true and correct copy of a November 22, 2024 declaration by Karan Singh, Ph.D.

5. Attached as **Exhibit 3** is a true and correct copy of an October 18, 2024 email that I received from counsel for Defendants and Counterclaim-plaintiffs.

6. Attached as **Exhibit 4** are excerpts from a true and correct copy of a document produced to Align by ClearCorrect in this action beginning at CC_ALGN_00003900.

7. Attached as **Exhibit 5** are excerpts from a true and correct copy of Exhibit 1003 filed in *ClearCorrect Operating, LLC v. Align Technology, Inc.*, IPR2017-01829 (P.T.A.B.).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 25, 2024

MORRISON & FOERSTER LLP

By: /s/ Forrest McClellen

Forrest McClellen

*Attorney for Plaintiff and Counterclaim-
Defendant*

ALIGN TECHNOLOGY, INC.